

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EPIC TECH, LLC,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 1:22-cv-02043-SCJ
)	
)	
SPINX GAMES LIMITED,)	
)	
Defendant)	

STATUS REPORT

Plaintiff Epic Tech, LLC (“Epic Tech” or “Plaintiff”) files this Status Report to inform the Court of its current efforts to perfect service on Defendant SpinX Games, Limited (“SpinX” or “Defendant”).

SERVICE PURSUANT TO THE HAGUE SERVICE CONVENTION

On or about July 1, 2022, the undersigned counsel for Plaintiff submitted the Summons and Complaint in this matter to a private process server familiar with the requirements of The Convention on International Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Service Convention”) for service on Defendant in Hong Kong, China.

Unlike most other signatories of the Hague Service Convention, China requires strict compliance with the terms of the convention, and does not permit

any alternate manner of service on individuals or entities in China. Specifically, it requires that the plaintiff have all of the service materials translated to Chinese, and the original and translated service package be submitted to the Chinese Ministry of Justice for approval and, if approved, service. The average amount of time required to perfect service, after translation is completed and the documents submitted to the Chinese Government, is 3-6 months.

Plaintiff's service package was submitted to the Chinese authority on August 11, 2022.

WAIVER OF SERVICE BY DEFENDANT PURSUANT TO FRCP 4(D)

Plaintiff's counsel has been in communication with attorneys who have represented Defendant SpinX in other proceedings in the United States (referred to herein as "SpinX's Counsel" or "Defendant's Counsel"). SpinX's counsel has represented that SpinX will agree to waive service pursuant to Federal Rule of Civil Procedure 4(d) ("Rule 4(d)"), provided that Plaintiff's counsel deliver a service waiver package to SpinX's offices that complies with the requirements of Rule 4(d).

On July 22, 2022, the undersigned counsel for Plaintiff sent, via UPS International Delivery, a service waiver package to Defendant SpinX at an address provided by SpinX's Counsel. The package contained:

- One copy of the Notice of Lawsuit and Request to Waive Service of Summons;
- Two copies of the Waiver of Service;
- One copy of the Summons;
- One copy of the Complaint; and
- A UPS International shipping envelope with a pre-paid, printed label for the return of the executed service waiver to Plaintiff's counsel.

The service waiver package was received at the address provided on Thursday, July 28, 2022.

Per Rule 4(d)(1)(F), the request for SpinX to waive service provided 60 days from the date that the request was sent for SpinX to return the executed waiver of service. The deadline for the return of service is September 20, 2022. If SpinX waives service at or before that time, their answer or responsive pleading will be due October 20, 2022. Fed. R. Civ. P. 4(d)(3).

As of the date of this Status Report, the tracking number for the pre-paid shipping label provided to SpinX in the service waiver package has not become active, indicating that SpinX has not yet attempted to return the service waiver.

Respectfully submitted this 15th day of August, 2022.

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MULLMAN, LLC**

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Attorneys for Epic Tech, LLC

RULE 7.1 CERTIFICATE OF COMPLIANCE
WITH LOCAL RULE 5.1

This certifies that the foregoing Status Report was prepared using 14 point Times New Roman font and accordingly complies with Local Rule 5.1. This certificate is given in compliance with Local Rule 7.1(D).

This 15th day of August, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2022, I electronically filed the foregoing Status Report with the Clerk using the CM/ECF system which will automatically send e-mail notification or other sufficient notice of such filing to the following attorneys of record:

Counsel For	Attorneys	Email Address
SpinX Games Limited	None	None

In addition, I have this day served the below-identified counsel for SpinX who have not yet appeared in this action via e-mail as indicated:

Counsel For	Attorneys	Email Address
SpinX Games Limited	Michelle Ybarra	mybarra@keker.com

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